NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.09 K, Closed Area No. 56-A, Pennamaquan River, Pembroke, promulgated on January 11, 1990, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.09 K, Closed Area No. 56-A, Pennamaquan River, Pembroke.

1.   Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Pennamaquan River, Pembroke, upstream (northerly and westerly) of a line extending north-northeasterly from the southern tip of Brickyard Point (so-called, it makes the southwestern side of the mouth of Willow Brook) to the ruins of the old ice dam on the eastern bank of the Pennamaquan River, 2000 feet south of the mouth of Crow Brook.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: March 12, 1992

AGENCY CONTACT PERSON: Robert D. Lewis
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STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.09 K, Closed Area No. 56-A, Pennamaquan River, Pembroke, promulgated on January 11, 1990, and replaces it with a new rule. This new regulation opens to shellfish harvest the section of the Pennamaquan River between Kelly Point and Brickyard Point including Hersey Cove, a distance of about two and a half miles.

Department personnel have determined that Willow Brook and the Pennamaquan River upstream of the old ice dam (about 2,000 feet down stream from the mouth of Crow Brook) are subject to intermittent microbiological contamination and pose a threat to the public health. Consequently, the area is closed to the harvest of clams, mussels, quahogs and oysters.

E. PENN ESTABROOK
Deputy Commissioner